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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/632,774	08/04/2000	Stacy Haituka	72189/9813B	2126
33356	7590	11/30/2006	EXAMINER	
SoCAL IP LAW GROUP LLP 310 N. WESTLAKE BLVD. STE 120 WESTLAKE VILLAGE, CA 91362			NGUYEN, TRI V	
			ART UNIT	PAPER NUMBER
			1751	

DATE MAILED: 11/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/632,774

Applicant(s)

HAITSUKA ET AL.

Examiner

Tri V. Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Request for Continued Examination

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 20, 2006 has been entered.

Response to Amendment

2. In the amendment filed on September 20, 2006, Claims 1-25 have been amended. The currently pending claims considered below are Claims 1-25.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-25 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Angles et al (5,933,811) in view of Filepp et al (5,347,632) and further in view of Pegoraro ("Loggin on; how much is free access worth?", Washington Post, Oct 8, 1999) or Mandel ("Is this what they call "ad nauseum"?", Canadian Business, Aug 28, 1998) or Hasset et al. (US 6,807,558).

Claims 1, 7, 8, 11, 12, 15, and 21: Angles discloses a system and method for displaying advertisements to a user of an online service provider to provide access to Internet, comprising:

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- a. Connecting to an online service provider (col 7, lines 53-60 and col 19, line 17 - col 20, line 26);
- b. Transmitting and displaying sponsorship label and click-through resource link (col 7, lines 53-60 and col 19, line 17 - col 20, line 26);
- c. Retrieving and displaying a first advertisement from the memory of the local online client device (col 11, lines 50-65);
- d. Receiving and displaying a second advertisement from the online server (col 7, line 61 - col 8, line 7).
- e. Monitoring the user's interaction with the client window to generate a usage history of the user (col 16, lines 26-37); and
- f. Selecting the second advertisement from the remote online server based on the usage history of the user (col 15, lines 25-31).

However, Angles does not explicitly disclose that the advertisement is being displayed in a fully visible persistent window independent of the browser window by a client application operating independently of the browser. However, Filepp discloses a similar system and method for displaying advertisements to a online user in which the user's display screen is divided into a plurality of partitions (windows), with separate and distinct applications running in each partition (col 5, lines 3-39). Filepp also discloses that "advertisements 280 may be presented to the user on an individual basis from queues of advertisements" and "may be included in any partition of a page" (screen)(col 9, lines 27-47), such as "ad partition 280" (col 11, lines 64-66). Thus, Filepp teaches a system and method in which the advertisements are displayed in a persistent window by an advertisement application that is operating independently of other applications (e.g. a browser) running in the other windows. In an analogous art, Pegoraro or Mandel or

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Hassett et al. disclose the feature of accessing the Internet via a provider with a persistent and fully visible advertising window with the targeted ads being cyclically displayed (Pegoraro: page 1, parag. 2; Mandel: page 1, parag. 3 and Hassett et al.: see fig. 10 and col 15, lines 27-30).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize a separate, distinct, on top of other windows and fully visible persistent window to display the advertisement in Angles. One would have been motivated to display the advertisement separately from the browser window in order to allow the advertisers to reach users at all time during the online session though the users who may be using any of the various browsers or applications available. i.e. the advertisements would not be tied to any one specific type of browser and would be viewed by the user when using any of the applications on the computer (i.e. word processor, spreadsheet, browser, etc.).

Claims 2, 9, 13, 16, and 24: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a system and method for displaying advertisements to a user of an online client device as in Claims 1, 7, 11, 15, and 21 above, and Angles further discloses the client device establishing a communication link via a public switched telephone network (Angles: col 9, lines 3-44).

Claims 3, 10, 14, and 17: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a system and method for displaying advertisements to a user of an online client device as in Claims 1, 7, 11, and 15 above, and Angles further discloses the client

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device requesting and receiving authorization to access the online service provider (Angles: col 10, line 60 - col 11, line 4 and col 14, lines 9-50).

Claims 4 and 18: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a system and method for displaying advertisements to a user of an online client device as in Claims 1 and 15 above, and further Angles discloses the click-through link comprises a uniform resource locator (URL) associated with an Internet webpage (Angles: col 6, lines 32-58, col 7, lines 19- 42, and col 15, lines 43-55).

Claims 5 and 19: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a system and method for displaying advertisements to a user of an online client device as in Claims 1 and 15 above, but do not explicitly disclose that the sponsorship label is located on a title bar of the client window. The Examiner notes, however, that Angles presents extensive discussions on how web pages are programmed using the HTML Internet protocol language. A standard HTML document defines the location, size, and format where each object file is to be displayed on the web page in accordance with the desires of the designer of the web page. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the sponsorship label at the beginning or top of the web page using a title bar or banner format. One would have been motivated to place the sponsorship label in Angles at the top of the page as a title bar in order to draw the user's attention to this important information.

Claims 6 and 20: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a system and method for displaying advertisements to a user of an online client device as in Claims 1 and 15 above, and Angles further discloses displaying a series of advertisements when the user "views a particular electronic page for more than a minute" (col20, lines 14-17). However, Angles does not explicitly disclose that the additional advertisements are coming from a play list of advertisements specifying the order in which the advertisements are to be displayed. Filepp discloses a similar system and method for displaying advertisements to a user of an online client device in which the downloaded advertisements "may be presented to the user on an individual basis from queues of advertisements". The "Individual queues of advertisements are constructed based upon data collected on the particular applications that were accessed by a user, and upon events the user generated in response to applications" (col 9, lines 30-38). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to place the advertisements downloaded in Angles into queues and to present the advertisements in the queue as a series of advertisements. One would have been motivated to use such a queuing system to present the most pertinent advertisement to the user first, then the next most pertinent, etc. in order to select the advertisements best suited to entice selection by the user.

Claims 22 and 23: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a method for displaying advertisements to a user of an online client device as in Claim 21 above, and Angles further discloses the user performing a click-through on the link which causes the remote resource (i.e. website) to be downloaded and displayed to the user. However, Angles does not explicitly disclose that this activity would cause the exit

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window to be removed. The Examiner notes that since the newly downloaded webpage is being displayed it is inherent that the previous page (exit window) would be removed from the display screen. The Examiner also notes that it is common to display an exit button, normally on the browser's action line, which the user may select to exit from the current window. Clicking on such a button usually takes the user back to a default website or webpage, such as back to the browser's homepage. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to provide an exit button which leads to an exit page and to delete/remove the exit window when the user clicks on a hyper-link to another webpage such as disclosed by Angles. One would have been motivated to include the exit button and window and to remove the exit window upon selection of a link by the user in order to allow the user better control over the browsing activity and to clear the window for the display of the selected linked webpage.

Claim 25: Angles, Filepp and Pegoraro or Mandel or Hassett et al. disclose a method for displaying advertisements to a user of an online client device as in Claim 21 above, and Angles further discloses the communication channel comprising a constant connection communication channel, such as interactive television networks or two-way cable systems (Angles: col 9, lines 3-44).

Response to Arguments

5. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.

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Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Douglas McGinty can be reached on (571) 272-1029 and Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

nvt



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